

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Andrea Masse, Individually and as)	
Guardian and Next Friend of)	
Taylor Lee Delaney, a minor)	
)	
)	
Plaintiffs,)	
)	
v.)	
)	
Fidelity Security Life)	Civil Action No.
Insurance Company)	C-04-467-JM
)	
Defendants)	
)	
)	
)	
)	

ASSENTED TO MOTION FOR APPROVAL OF SETTLEMENT
ON BEHALF OF TAYLOR LEE DELANEY

NOW COMES the plaintiff, by and through her attorneys,
Thomas Craig, P.A., and, pursuant to Local Rule 17(1),
respectfully requests the approval of the settlement on behalf of
Taylor Lee Delaney, a minor, and in further support thereof say
as follows:

1. Statement of Facts.

On or about February 4, 2002, Brandan J. Delaney of
Manchester, New Hampshire, died as a result of heart failure.
The defendant, Fidelity Security Life Insurance Company issued a
contract of group term life insurance to Kimark Specialty Box
Co., Inc., insuring the life of its employee, Brandan J. Delaney
which was in effect on the date of Mr. Delaney's death. The
minor Plaintiff, Taylor Lee Delaney was named as the beneficiary
of said life insurance policy. The defendant had neglected or
failed to provide the death benefits in the amount of \$15,000.00

to Mr. Delaney's beneficiary pursuant to the terms of the life insurance policy. Taylor Lee Delaney is 6 years and 10 months old. A photocopy of the minor plaintiff's birth certificate is attached hereunder as Exhibit "A"

2. Settlement.

Because of the age of the minor and the importance of ensuring that funds are available to her in the future for her education, and for her well-being, plaintiff, Andrea Masse, as guardian and next friend of the minor plaintiff, Taylor Lee Delaney, wishes the court to approve the following settlement:

Pursuant to this settlement, the minor plaintiff, Taylor Lee Delaney, will receive \$12,044.50. The settlement proceeds shall be deposited in an interest bearing savings account with a federally insured financial institution, in the name "Andrea Masse, as Trustee of Taylor Lee Dalenay," and subject to this Court's order that the funds shall not be withdrawn until the minor plaintiff, Taylor Lee Delaney's 18th birthday without prior approval of this Court. The proceeds on deposit at the time Taylor Lee Delaney, reaches the age of 18 years will be paid to her.

The "net amount" of the settlement, as defined in NHRSA 464-A:2(XIV-a), is greater than \$10,000.00. A Guardianship over Taylor Lee Delany has already been established. (See Certification of Appointment, attached hereunder as Exhibit "B").

3. Negotiation of Settlement

This settlement was reached on behalf of the parties by James E. Fiest, Esquire, representing the plaintiffs and Adam Nee, Esquire, representing the defendant. Plaintiff's counsel claims \$2,500.00 in attorneys fees (an itemized statement of counsel pursuant to New Hampshire Superior Court Rule 111(E)(2) is attached hereunder as Exhibit "C") and \$455.50 as costs (an itemization of costs attached hereunder as Exhibit "D").

4. Adam Nee, Esquire, opposing counsel assents to this motion.

WHEREFORE, plaintiffs respectfully pray that this Honorable Court issue an order approving the settlement, and for such other and further relief as may be just and necessary.

Respectfully submitted,
Andrea Masse, individually and
as Guardian and next friend of
Taylor Lee Delaney,
By their attorneys,
Thomas Craig, PA

Dated: February 23, 2005

By: /s/
James E. Fiest, Esquire
99 Stark St.
Manchester, N.H. 03101
(603) 622 1900

Dated: February 23, 2005

/s/

 Andrea Masse, g/n/f Taylor Lee
 Delaney

CERTIFICATE OF SERVICE

I hereby certify that a copy of the within pleading was sent on February 19, 2005 electronically to Adam Nee, Esquire, opposing counsel, and by prepaid, first-class mail to Andrea Masse and Robert Rivard, Registrar, Hillsborough Probate Court.

Dated: February 23, 2005

/s/

James E. Fiest, Esquire